

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thorsten Schwenke
Title: FLUID COMPOSITION USED
TO STIMULATE HUMAN
SYNOVIAL FLUID
Appl. No.: 10/588,680
International Filing Date: 2/11/2005
371(c) Date:
Examiner: Unknown
Art Unit: 1651
Confirmation Number: 9237

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund of \$100.00 for the examination fee that was charged to the deposit account in the above-identified application. Attached is a copy of the Monthly Statement of Deposit Account, dated April 2007, for Deposit Account No. 50-2350., together with a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 and a copy of the OIPE stamped postcard.

The above-referenced application was filed on August 8, 2006, with a Credit Card Payment Form in the amount of \$1,550.00. Of this amount, \$100.00 was payment for the examination fee (see page 2 of attached Transmittal Letter). However, the examination fee for this application should have been \$200.00. Therefore, Applicant owed an additional \$100.00, and included language with the filing authorizing the USPTO to charge the deposit

account for any underpayment. However, on April 3, 2007, the USPTO charged a total of \$200.00 to our deposit account, instead of the outstanding amount of \$100.00. Therefore, Applicant respectfully requests that a credit of \$100.00 be made to Deposit Account No. 50-2350.

In view of the foregoing, it is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 50-2350.

Respectfully submitted,

Date April 18, 2007

FOLEY & LARDNER LLP

Customer Number: **23524**

Telephone: (608) 258-4303

Facsimile: (608) 258-4258

By Joseph P. Meara

Joseph P. Meara
Attorney for Applicant
Registration No. 44,932

**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: April 2007
Deposit Account Number: 502350
Name: FOLEY & LARDNER
Attention: SHARON J DUDLEY
Address: 150 E GILMAN STREET
City: MADISON
State: WI
Zip: 53701-1497
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/02	2232	60909221	037213-0109	2005	\$100.00	\$15,180.00
04/03	4	10588680	047940-0278	1633	\$200.00	\$14,980.00
		START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
		\$15,280.00	\$300.00	\$0.00	\$14,980.00	

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 047940-0278
INTERNATIONAL APPLICATION NO. PCT/US2005/004551	INTERNATIONAL FILING DATE 02/11/2005	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) PRIORITY DATE CLAIMED 02/12/2004
TITLE OF INVENTION FLUID COMPOSITION USED TO STIMULATE HUMAN SYNOVIAL FLUID		
APPLICANT(S) FOR DO/EO/US Thorsten Schwenke		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern other document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: 		

FORM PTO-1390 (Modified)

U.S. APPLICATION NO. (If known, see 37 CFR. 1.5)

INTERNATIONAL APPLICATION NO.
PCT/US2005/004551ATTORNEY'S DOCKET NUMBER
047940-0278

The following fees have been submitted:

21. <input checked="" type="checkbox"/> Basic national fee	\$300	\$	300.00
22. <input checked="" type="checkbox"/> Examination fee		\$	
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$	100.00
All other situations		\$	
23. <input checked="" type="checkbox"/> Search fee	\$200	\$	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$	
International Search Report prepared and provided to the Office		\$	
All other situations		\$	
TOTAL OF ABOVE 21, 22 and 23 =		\$	100.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.		\$	500.00
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
16 - 100 = 0	/50 =	0	x \$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))		\$	0.00
		\$	0.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	29 - 20 = 9		x \$ 50.00
Independent Claims	6 - 3 = 3		x \$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$	360.00
TOTAL OF ABOVE CALCULATIONS =		\$	1550.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$	0.00
SUBTOTAL =		\$	1550.00
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$	
TOTAL NATIONAL FEE =		\$	1550.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property		\$	
TOTAL FEES ENCLOSED =		\$	1550.00
		Amount to be refunded:	
		charged:	

- a. ☐ A check in the amount of **!Undefined Bookmark, TOTAL** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 50-2350 in the amount of **!Undefined Bookmark, TOTAL** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2350. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charge to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Foley & Lardner LLP
Customer Number: 23524

Joseph P. Meara
SIGNATURE
Joseph P. Meara
NAME
44,932
REGISTRATION NUMBER

THE U.S. PATENT AND TRADEMARK OFFICE
OFFICIAL MAILROOM STAMP AFFIXED HERETO
ACKNOWLEDGES RECEIPT OF THE ITEMS
CHECKED BELOW:

MAILED VIA EXPRESS MAIL
LABEL NO. EV 768622665 US

In re: Int'l Appl. No.: PCT/US2005/004551

Applicant: Thorsten Schwenke

Int'l Filing Date: 11 February 2005

Earliest Claimed Priority Date: 12 February 2004

Title: FLUID COMPOSITION USED TO
STIMULATE HUMAN SYNOVIAL FLUID

Date Mailed: August 8, 2006

- ☒ Transmittal Letter to the US Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (duplicate)(2 pages)
- ☒ Application Data Sheet (3 pages)
- ☒ Executed Declaration and Power of Attorney (4 pages)
- ☒ Credit Card Payment Form, \$1550
- ☒ Certificate of Express Mail

10/588680

DOCKET NO.: 047940-0278

Atty.: JPM

147 R001 PCT/PTO 08 AUG 2006